

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	2

### MR. SPEAKER:

*Your Committee on* Public Health, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, line 9, delete "health" and insert "health, **nutrition**,".
- 2       Page 1, line 10, delete "12;" and insert "12, **which shall be broadly**
- 3 **distributed to teachers and parents**;".
- 4       Page 1, line 12, delete "health" and insert "health, **nutrition**,".
- 5       Page 2, line 2, delete "activity." and insert "**activity consistent with**
- 6 **guidelines established by the education consultant for health and**
- 7 **physical education**.".
- 8       Page 2, line 3, delete "health" and insert "health, **nutrition**,".
- 9       Page 2, between lines 11 and 12, begin a new line block indented and
- 10 insert:
- 11       **"(5) An outreach and communication plan to provide parents**
- 12 **and students with current information and research on**
- 13 **health, nutrition, and physical education issues**.".
- 14       Page 2, line 21, after "schools;" insert "**and**".

- 1 Page 2, delete line 22.
- 2 Page 2, line 23, delete "(3)" and insert "(2)".
- 3 Page 2, line 34, delete "must" and insert "**may**".
- 4 Page 2, after line 42, begin a new paragraph and insert:
- 5 "SECTION 4. IC 20-5-2-2.5 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL
- 7 1, 2004]: **Sec. 2.5. (a) As used in this section, "healthy food"**
- 8 **means the following:**
- 9 (1) A food item that has not more than thirty percent (30%)
- 10 total calories from fat, excluding nuts and seeds.
- 11 (2) A food item that has not more than ten percent (10%)
- 12 total calories from saturated fats.
- 13 (3) A food item that provides at least ten percent (10%) of
- 14 the United States Food and Drug Administration's
- 15 recommended daily value for one (1) of the following
- 16 nutrients:
- 17 (A) Vitamin A.
- 18 (B) Vitamin C.
- 19 (C) Calcium.
- 20 (D) Iron.
- 21 (E) Protein.
- 22 (F) Fiber.
- 23 (b) As used in this section, "healthy beverage" means the
- 24 following:
- 25 (1) Water.
- 26 (2) Milk.
- 27 (3) Fruit drinks with at least fifty percent (50%) fruit juice.
- 28 (4) Vegetable drinks.
- 29 (c) After June 30, 2004, a vending machine that is located in an
- 30 area of an elementary school's grounds or buildings may not be
- 31 accessible to a student.
- 32 (d) This subsection does not apply to the following:
- 33 (1) Foods and beverages that are part of the United States
- 34 Department of Agriculture's breakfast and lunch programs.
- 35 (2) Foods and beverages that are sold in areas of the school

1           **that are not accessible to students.**

2           **After June 30, 2004, at least fifty percent (50%) of the foods and**  
 3           **beverages sold in a middle school and high school that are**  
 4           **available from each school group, organization, or department**  
 5           **must qualify as a healthy food or a healthy beverage."**

6           Page 3, line 5, delete "curriculum." and insert "**curriculum**  
 7           **consistent with curriculum and programs developed under**  
 8           **IC 20-1-1.1-7."**

9           Page 3, line 19, delete "must" and insert "**may**".

10          Page 3, line 41, after "Sec. 5.5." insert "**(a) This section does not**  
 11          **apply to:**

12               **(1) students who are in half day kindergarten; or**  
 13               **(2) a student who has a medical condition that precludes**  
 14               **participation in the daily physical activity provided under this**  
 15               **section.**

16               **(b)".**

17          Page 4, line 1, after "provide" insert "**at least thirty (30) minutes**  
 18          **of daily"**.

19          Page 4, line 1, delete "grades kindergarten" and insert "**elementary**  
 20          **school. The physical activity must be consistent with the**  
 21          **curriculum and programs developed under IC 20-1-1.1-7 and may**  
 22          **include the use of recess. Available physical activity alternatives**  
 23          **must be used on days of inclement weather conditions."**

24          Page 4, delete line 2, begin a new paragraph and insert:

25               **"SECTION 7. [EFFECTIVE APRIL 1, 2004] IC 20-5-2-2.5, as**  
 26               **added by this act, does not apply to a contract that:**

27                   **(1) was executed before April 1, 2004;**  
 28                   **(2) is in existence on April 1, 2004; and**  
 29                   **(3) requires a governing body to allow the sale of:**  
 30                       **(A) soft drinks and similar beverages; and**  
 31                       **(B) food;**  
 32                   **with no or low nutritional value, as defined by the United**  
 33                   **States Department of Agriculture, from vending machines or**  
 34                   **other dispensing units during school hours.**

35               **However, the governing body may not renew a contract described**

- 1       **in this SECTION and, after the contract expires, must comply with**
- 2       **IC 20-5-2-2.5, as added by this act.**
- 3       SECTION 8. **An emergency is declared for this act."**
- 4       Renumber all SECTIONS consecutively.  
(Reference is to HB 1014 as introduced.)

**and when so amended that said bill do pass.**

Representative Brown C